

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Toly

Attorney Docket No: SIMU0008

Serial No: 10/672,274

Group Art Unit: 3715

Filed: September 24, 2003

Examiner: Cheng, Joe H.

Title: LAPAROSCOPIC AND ENDOSCOPIC TRAINER INCLUDING A DIGITAL CAMERA

DECLARATION UNDER 37 C.F.R. 1.132

Bellevue, Washington 98004

June 15, 2006

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

The following declaration of Christopher Toly is submitted as part of a response to an Office Action dated March 16, 2006.

1. I, Christopher Toly, the CEO of SimuLab Corp. am the sole inventor of the above-identified patent application, and as such, am familiar with the subject matter disclosed and claimed therein. I am also familiar with a commercial embodiment based on the invention described and claimed in that patent application, which is sold under the trademark SIMUVISIONTM.

2. The commercial embodiment, which is based on the invention and is substantially configured as described in the specification and defined in the claims of the above-identified patent application, was initially released into the marketplace in late 2003, and was very well received. The commercial embodiment incorporates a digital video camera (i.e., a web camera) coupled to the distal end of the boom into an existing pop-up trainer, already configured for laparoscopic skills training (albeit without the imaging capability afforded by the digital video camera). Due to its relatively large size, particularly as compared to the distal end of a conventional laparoscope, the web camera is not encapsulated within the boom, but is instead attached external to the boom, at the distal end of the boom. The trainer is sold without a display, and has been used with great success by medical professionals and medical students, who typically attach the web camera to a desktop or laptop computer during training. Two key features have made this trainer particularly successful. First, the images displayed are a highly realistic simulation of images that would be displayed by an actual laparoscope. Second, the substitution of a web camera for a true laparoscope enables a very inexpensive, yet high-quality trainer to be achieved. Laparoscopes are very sophisticated and very expensive pieces of medical equipment. An inexpensive trainer that is configured to be used with

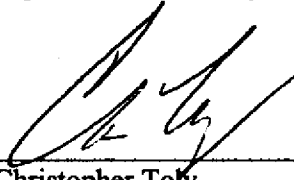
1 ubiquitous computing devices already present in medical offices and educational environments can
2 be much more widely distributed than a training device requiring the use of a relatively expensive
3 laparoscope camera. While web cameras are relatively inexpensive and work perfectly in the
4 SIMUVISION™ simulator, they are entirely unsuitable for use in an actual laparoscope because of
5 their size (i.e., they are entirely too large for insertion into a body via minimally invasive surgery).

6 3. In recognition of the commercial embodiment's ability to meet a long felt need for an
7 inexpensive yet high-quality laparoscopic trainer, the commercial embodiment received the 2004
8 Innovation of the Year Award from the National Society of Laparoendoscopic Surgeons. A
9 fundamental goal of the Society is ensuring that its members have access to the newest ideas and
10 approaches, as rapidly as possible. The Innovation of the Year Award is designed to draw particular
11 attention to products that appear to have widespread appeal to Society members. A copy of the
12 award is attached.

13 4. In summary, the invention claimed in the above-identified patent application, U.S.
14 Serial No. 10/672,274, provides a realistic training simulation at a much lower cost than could be
15 achieved using training simulators incorporating an actual laparoscope. The product has been very
16 well received by laparoscopic and endoscopic surgeons, as evidenced by the 2004 Innovation of the
17 Year Award noted above. Further, in my opinion, the present invention meets a long felt need for a
18 an inexpensive surgical simulator that realistically simulates video endoscopic procedures. An
19 inexpensive trainer is critical, because vendors of endoscopic surgical tools and training institutions
20 cannot make wide use of surgical trainers that require relatively expensive laparoscopic cameras.
21 The relatively low cost of the commercial embodiment of the present invention enables such training
22 simulators to be made widely available with minimal capital costs. Heretofore, such trainers could
23 not be implemented without the use of very expensive laparoscopic cameras.

24 6. I hereby further declare that all statements made herein of my own knowledge are true
25 and that all statements made on information and belief are believed to be true; and further, that these
26 statements were made with the knowledge that willful false statements and the like so made are
27 punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
28 Code, and that such willful false statements may jeopardize the validity of the application or any
29 patent issued thereon.
30

Date: 6/15/06


Christopher Toly

The Society of Laparoendoscopic Surgeons

INNOVATIONS OF THE YEAR 2004

The Society of Laparoendoscopic Surgeons Recognizes

Simulab Corporation

for

LapTrainer with SimuVision™

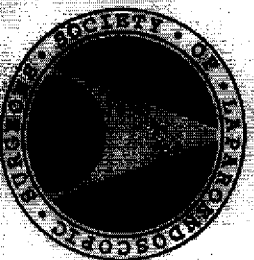
Selected for informational purposes only. SLS does not specifically endorse or approve any products. Surgeons should investigate any new equipment for safety and suitability for their particular practice and needs.

The 13th International Congress and Endo Expo 2004

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